

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TOMMY ARVELL BURNETT,

Defendant-Appellant.

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UNPUBLISHED

September 18, 1998

No. 200281

Calhoun Circuit Court

LC No. 96-001592 FC

Before: Whitbeck, P.J., McDonald and T. G. Hicks\*, JJ.

MEMORANDUM.

A circuit court jury convicted defendant of two counts of armed robbery, MCL 750.529; MSA 28.797, and two counts of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to concurrent terms of two years' imprisonment on the felony-firearm convictions and to concurrent terms of eighteen to forty years' imprisonment on the armed robbery convictions. The latter sentences are to be served consecutively to the former sentences. Defendant appeals as of right. We affirm.

The trial court did not abuse its discretion when it allowed a police officer to testify concerning an extrajudicial identification made by one of the victims. *People v Whitfield*, 214 Mich App 348, 350-351; 543 NW2d 347 (1995). The officer's testimony did not constitute hearsay. MRE 801(d)(1)(C); *Whitfield, supra*.

The trial court did not erroneously instruct the jury regarding flight where there was record evidence to support the giving of the instruction. *People v Keen*, 446 Mich 866; 522 NW2d 334 (1994); *People v Johnson*, 171 Mich App 801, 804; 430 NW2d 828 (1988).

Affirmed.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks